

COPY



FOR REGISTRATION REGISTER OF DEEDS
KIMBERLY S. HARGROVE
HARNETT COUNTY, NC
2004 AUG 19 08:36:36 AM
BK:1972 PG:483-506 FEE:\$80.00

INSTRUMENT # 2004015458

**HARNETT COUNTY AIRPORT
RULES AND REGULATIONS ORDINANCE**

Adopted August 16, 2004

HARNETT COUNTY BOARD OF COMMISSIONERS

Teddy Byrd, Chairman
Beatrice Hill, Vice-Chairman
Dan Andrews
Walt Titchener
Tim McNeill

HARNETT COUNTY AIRPORT COMMITTEE

Rhett Raynor, Chairman
E. Cecil Edgerton, III, Vice-Chairman
Leonard B. Arnold
L. E. Batten
Otis O. Butler
Robert E. Lasater
Joseph L. Tart
Walt Titchener
William A. Wilder

HARNETT COUNTY AIRPORT **RULES AND REGULATIONS**

The Board of Commissioners of Harnett County does hereby adopt and approve the following rules and regulations for the operation and use of the Harnett County Airport located at 615 Airport Road, Erwin, North Carolina.

SECTION 1

AUTHORITY, PURPOSE AND DEFINITIONS

- A. **AUTHORITY**-These rules and regulations are adopted pursuant to North Carolina General Statute 153A-275, which statute permits a County by ordinance to adopt reasonable rules and regulations to protect and regulate a public enterprise belonging to or operated by it.
- B. **PURPOSE** - The purpose of this document is to establish rules, regulations and standards for all activities on or at the Harnett County Airport (HRJ).
- C. **STATEMENT OF POLICY**- The Harnett County Airport intends to operate, manage, plan, finance, and develop the airport for its long-term financial health and safety in a manner consistent with accepted airport practices and applicable federal, state, and local policies and regulations. Accordingly, all applicants who perform commercial aeronautical activities at the airport shall be accorded a fair and reasonable opportunity, without unlawful discrimination, to qualify and to compete (if applicable) to occupy available airport facilities. Applicants shall have the opportunity to provide appropriate aeronautical activities subject to the minimum standards as established by the County of Harnett. However, the granting of rights and privileges to individuals and businesses to engage in aeronautical activities shall not be construed in any manner as affording any operator an exclusive right for use of the premises and/or facilities at the airport, other than those premises which may be leased exclusively to any operator, and then only to the extent provided in a written lease and/or permit.
- While the airport manager has the authority to manage the airport (including the authority to interpret, administer, and enforce airport agreements and airport owner policies and the authority to permit temporary, short-term occupancy of

the airport), the ultimate authority to grant the occupancy and use of airport real estate or permits allowing the conduct of commercial aeronautical activities, and to approve, amend, or supplement all leases and permits is expressly reserved to the County of Harnett.

- D. **SPECIAL AVIATION SERVICE OPERATIONS (SASO)**-The Harnett County Airport recognizes that when specialized aviation service operations (SASO), sometimes known as single service operators or special fixed base operators, apply to do business on the airport, difficulties can arise if the SASO's are not required to comply with all provisions of published minimum standards. Accordingly, the Airport may develop reasonable, relevant, and applicable standards for each type and class of service. Examples of these specialized services may include flight training, airframe and power plant repair and maintenance, aircraft charter, air taxi or air ambulance, aircraft sales, avionics, instrument or propeller services or other specialized commercial flight support business. These minimum standards may be supplemented, amended, or modified by the County of Harnett from time to time and in such manner and to the extent as is deemed reasonable and appropriate.
- E. **CONFLICTS WITH EXISTING AGREEMENTS OR FEDERAL LAW**-These minimum standards are not retroactive. They do not affect the current term of any written agreement properly executed prior to the date of adoption and approval of these minimum standards. Upon expiration of an existing agreement, or if the operator desires to materially increase or expand its activities, the operator shall then comply with the provisions of these minimum standards. A requirement under these minimum standards or an agreement that an operator comply with applicable local or state law does not create an opportunity or right in a sponsor or airport to enact or enforce local ordinance which is preempted under federal law. This includes any attempt to regulate airspace or the conduct of flight operations.
- F. **DEFINITIONS** - Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter uses shall be defined as follows:

- (1) **A & P Mechanic** - Airplane and Power Mechanic.
- (2) **Aeronautical Activity** - Any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. The following activities, commonly conducted on airports, are aeronautical activities within this definition: charter operations, pilot training, aircraft rental, sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, ramp services, and any other activities which because of their direct relationship to the operation of aircraft can appropriately be regarded as an aeronautical activity. The following are examples of what are not considered aeronautical activities: ground transportation (taxis, car rentals, and limousines), restaurant, barbershops, and auto parking lots.
- (3) **Agreement or Lease**-A contract executed between the airport and the entity granting a concession that transfers rights or interests in property, or otherwise authorizes the conduct of certain activities. The agreement or lease must be in writing, executed by both parties, and enforceable by law.
- (4) **Air Charter**-An entity that provides on-demand, non-scheduled passenger service in aircraft having no more than 30 passenger seats. This entity must operate under the appropriate federal aviation regulations (FARs).
- (5) **Aircraft Sales**- The sale of over two aircraft per year with aircraft sales serving as a business.
- (6) **Aircraft Maintenance**-The repair, maintenance, adjustment, or inspection of aircraft. Major repairs include major alterations to the airframe, powerplant, and propeller as defined in Part 43 of the FARs. Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration, adjustment, or repair of aircraft and their accessories.

- (7) Airport - The Harnett County Airport located at 615 Airport Road, Erwin, North Carolina.
- (8) Airport Layout Plan (ALP)-A drawing depicting the physical layout of the airport that identifies the location and configuration of runways, taxiways, buildings, roadways, utilities, nav aids, etc. The ALP must also show planned airport development.
- (9) Airport Manager - The person or corporation empowered by contract with the Harnett County Board of Commissioners to operate the business of the Harnett County Airport on a daily basis. While the Airport Manager has the authority to manage the airport (including the authority to interpret, administer, and enforce airport agreements and airport owner policies and the authority to permit temporary, short-term occupancy of the airport), the ultimate authority to grant the occupancy and use of the airport real estate or permits allowing the conduct of commercial aeronautical activities, and to approve, amend, or supplement all leases and permits is expressly reserved to the County of Harnett.
- (10) Airport Operating Area (AOA)-The ramp, apron, runway, and taxiway system at the airport.
- (11) Apron-A paved area suitable for aircraft staging and parking.
- (12) Assurance-A provision contained in a federal grant agreement to which the recipient of federal airport development assistance has voluntarily agreed in consideration for the assistance provided.
- (13) Commercial Aviation Activity-Any aeronautical activity intended to secure earnings, income, compensation, or profit, whether or not such objectives are accomplished.
- (14) Commercial Aviation Operator-A commercial aviation operator may be classified as either a fixed base operator (FBO) or a specialized aviation service operation (SASO).
- (15) Entity-A person, persons, firm, partnership, limited liability company, corporation, unincorporated proprietorship, association, or group.

- (16) **Equipment**-All personal property and machinery together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the activity being performed.
- (17) **Exclusive Right**- A power, privilege, or right that excludes another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred by express agreement, by the imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties but excluding others would be an exclusive right.
- (18) **FAA** - The Federal Aviation Administration.
- (19) **FAR**- Federal Aviation Regulations
- (20) **Fixed Base Operator** – Any person, partnership, corporation, organization, or association in the business of or formed for the purpose of engaging in aeronautical activities.
- (21) **Improvements**-All buildings, structures, and facilities. Improvements may include pavement, fencing, signs, and landscaping that is constructed, installed, or placed on, under, or above any leased area.
- (22) **Minimum Standards**-The criteria established by the airport owner as the minimum requirements that must be met by businesses in order to engage in providing on-airport aeronautical activities or services and aeronautical related services.
- (23) **Operator**-As used in this document, the term operator refers to both commercial and non-commercial operators.
- (24) **Owner** - The County of Harnett as governed by the Harnett County Board of Commissioners.
- (25) **Person** - An individual, partnership, firm, association or corporation.
- (26) **Special Aviation Service Organization (SASO)**-An aeronautical business that offers a single or limited service.
- (27) **Sponsor**-The County of Harnett as governed by the Harnett County Board of Commissioners, obligated to the federal government to comply with the assurances contained in grant agreements or property

conveyance instruments. For the purpose of this document, the terms airport sponsor and airport owner are used interchangeably.

- (28) Sublease-A lease agreement entered into by a lessee with another entity that transfers rights or interests in property or facilities, and that is enforceable by law.

SECTION 2

GENERAL PROVISIONS

- A. Scope- All Persons shall be governed by these Rules and Regulations while on or occupying any area comprising the airport, and shall comply with the orders and instructions of the Airport Manager, as they are promulgated from time to time, relative to the use and occupancy of the airport premises and airport facilities.
- B. GENERAL AIRPORT INFORMATION- The airport is owned by the County of Harnett and is operated by the Airport Manager and persons under his supervision. The County sets all general airport policy; the Airport Manager implements the general airport policies set by the County of Harnett. The Harnett County Board of Commissioners is the ruling body of the County of Harnett.
- C. VIOLATIONS OF RULES AND REGULATIONS- The Airport Manager shall investigate all alleged violations of these Rules and Regulations or the terms of any Commercial Operator Agreement. The Airport Manager will provide written notice to the violator and will give the violator such time as may be reasonable under the circumstances to cure any violation in accordance with the provisions of these Rules and Regulations or any applicable agreement. If the violator fails to comply with the notice of violation, the County may pursue any penalty or remedy available to the County at law or in equity.
- Any Person who knowingly or willfully violates these Rules and Regulations, any rule or regulation then in effect by the Federal Aviation Administration (FAA) or the North Carolina Department of Transportation, Division of

Aviation, or any orders or instructions of the Airport Manager or County of Harnett may be removed, evicted, or denied further use of the airport.

The County may waive or modify any provision contained in these Rules and Regulations.

If sanctions are, imposed, the County will offer due process protections, including the right to be heard and an opportunity for appeal.

Nothing in this section shall operate as a prohibition to the County acting in an expedient manner to address immediate safety issues involving imminent injury to persons or property.

- D. **PENALTIES FOR VIOLATIONS OF RULES ND REGULATIONS** - If any person shall violate or fail to comply with any provision of these Rules and regulations, then he shall be guilty of a misdemeanor pursuant to N. C. General Statute §14-4 (or any amendment thereof). Any person who violates, or aids, or abets in a violation of any of these Rules and Regulations or other County rule or regulation shall, upon conviction, be subject to a fine of not less than \$100 nor more than \$500 for each offense. Each calendar day upon which any such violation occurs or continues shall constitute a separate offense. The County also retains the right to enforce the terms of this ordinance pursuant to the provisions of N. C. General Statute §153A-123.

The penalties provided in this paragraph shall be deemed to be cumulative and not a substitution of any other specific penalties as may be otherwise provided for herein or in any other ordinance rule or regulation of the County as now or as may be hereafter enacted or adopted, or amended or modified.

- E. **NO PRIVATE RIGHT OF ACTION** - Nothing in these Rules and Regulations shall be deemed to have created any private right of action nor enforcement obligation.

- F. **STATE AND FEDERAL LAW** - State and Federal law prohibits the granting of exclusive rights to conduct aeronautical activity at public airports. All aeronautical activities at the airport shall be conducted in a fair and equitable manner. Fair competition at the airport shall be promoted while safeguarding the public interest. These Rules and Regulations shall be applied objectively and uniformly. The County, however may limit commercial activity if there are compelling reasons to do so, as defined in the FAA Compliance Handbook,

Order 5100.6A and its successors, even if an applicant has complied with these Rules and Regulations. Any legal action brought in regards to these Rules and Regulations shall be brought in accordance with North Carolina law.

- G. **ALLOCATION OF AIRPORT SPACE**- The Airport Manager shall have the authority to identify and control which area of the Airport will be used for aeronautical activity available to the public generally and aeronautical activity available only to specific persons.
- H. **OTHER LAWS**- If any provision herein conflicts with any other Federal or State law, statute, rule or regulation, the Federal and State law will prevail.

SECTION 3

AIRPORT MANAGER AUTHORITY

- A. The airport manager shall, at all times, have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the airport and its operations. In any contingencies not specifically covered by these rules and regulations the airport manager shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper.

SECTION 4

GENERAL USE OF AIRPORT

- A. **Authorization** - The owner has the right to and does hereby regulate all commercial enterprises using the airport as a basis of operation, whether such operation is aeronautical or non-aeronautical in nature. No commercial operation of any kind or type shall be conducted on the airport unless specifically authorized by the owner.
- B. **Non-commercial** - A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such aircraft. Such operation is not considered to be commercial in nature when so operated. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire

motive involved in the operation. In all cases, the owner will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements set forth herein for commercial fixed base operators.

- C. Indemnification of Owner - The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein provided and adopted by the owner.

The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof, and he shall release and hold harmless and indemnify the owner, its officers and employees from any liability of loss resulting from such use, as well as claims of third persons to using the airport.

The privilege of using the airport shall be upon the further condition that any person, persons, corporations, co-partnership or others desiring to use the same, shall furnish a policy of indemnity against personal injury and property damage in a reasonable sum as the owner shall require.

- D. Violations - Any person violating any of the airport rules and regulations may be punished as provided by law or ordinance or, at the discretion of the owner, may be deprived of the use of the airport facilities for such period of time as may be necessary to be effective.
- E. Solicitation - No person shall solicit funds for any purpose and no signs or advertisements may be posted at the airport without permission of the owner.
- F. Disposal - Garbage, refuse and other waste material shall be placed in receptacles provided for such purpose and no person shall destroy, remove or disturb in any way buildings, signs, equipment, markers, or other property on the airport.

SECTION 5

MOTOR VEHICLE REGULATIONS

- A. Unless authorized by the airport manager, no highway or automobile vehicle shall be operated on the airport except on roadways, parking areas that are

specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the airport manager while on the airport and as indicated by posted signs.

- B. Maximum speed for airport runway, taxiways and their respective object free areas, aprons and ramps shall be 10 miles per hour.
- C. No surface vehicles shall be permitted on the runways, taxiways and their respective object free areas, aprons, or ramps without the express permission of the airport manager unless the operation of such vehicle is in accordance with a prior agreement to accomplish a necessary airport purpose, service, or inspection. The runway object free area extends out 200' on either side of the runway centerline and extends 500' beyond each runway end. The taxiway object free area extends out 45' on either side of all taxiway centerlines.
- D. No surface vehicle shall be driven between the loading gate or fence and an aircraft parked and in the process of loading or unloading.
- E. No person shall operate any vehicle in a careless or negligent manner or in disregard for the safety of others, or in excess of posted speed limits. All aircraft have right-of-way over all surface vehicles.
- F. All vehicles operating within the landing area shall be painted a bright yellow or international orange, or display an international orange and white checkered flag of not less than three feet square, with one-foot squares.
- G. Vehicles exempted from this section are airport maintenance vehicles, crash/fire/rescue or other emergency vehicles, law enforcement vehicles, vehicles used on approved construction projects, vehicles used by the State, the County or their designated agents for the purpose of inspecting the runway, taxiways, or other Airport facilities, and other exemptions authorized by the County.
- H. Every accident involving injury or property damage shall be reported to the airport manager.

SECTION 6

AIRCRAFT OPERATIONS REGULATIONS

- A. The FAA traffic rules and regulations governing the operation of aircraft in effect as of this date, as well as all additions thereto, are made apart of these airport rules and regulations as fully as if set forth herein.
- B. Aircraft engines shall be started and run up only in the places designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.
- C. No aircraft shall be parked or stored at the airport except in the areas designated for such use.
- D. The performance of aircraft and engine repair and maintenance is considered to be an aeronautical service regulated by the owner except where such services or repairs are performed by the aircraft owner or his employees. The airport owner reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the owner may prohibit the performance of such services in tie-down areas and prescribe rules for the use of such owner-type aircraft maintenance areas.
- E. At the direction of the airport manager, the operator, owner, or pilot of any illegally parked aircraft on the airport shall move the aircraft to a legally designated parking area on the airport. If the operator refuses to comply with the directions, the owner, through the airport manager, may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving.
- F. In the event of an accident, the owner, through the airport manager, may, in compliance with FAA and other governmental regulations, move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the owner and without liability for damage resulting from such moving.
- G. The pilot of an aircraft involved in an accident on or near the airport causing personal injury or property damage shall report to the airport manager. In the

event that he is unable to do so, the owner of the aircraft or his agent shall make such report.

- H. Airport property damaged or destroyed by an accident or otherwise shall be paid for by parties responsible.
- I. The airport manager shall have the authority to detain any aircraft for nonpayment of any charges due.
- J. No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area.
- K. Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property.
- L. All takeoffs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas. Exceptions shall be approved by Airport Manager.
- M. No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by airport attendants shall be permitted to enter the landing area proper, taxi space, or aprons. However, this does not give any person or persons so excepted the privilege of unrestricted use of the airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections, and routine duties.
- N. No person shall park or store, nor shall they allow any other person to park or store, any unairworthy aircraft on any portion of the airport at any time. Exceptions to this shall be allowed for the purpose of obtaining repair not to exceed a period of 30 days.

SECTION 7

RULES FOR AIRCRAFT FUELING OPERATIONS

- A. Only authorized personnel trained in the safe operation of the equipment they use, in the operation of emergency controls, and in the procedures to be followed in an emergency shall fuel or defuel aircraft.

- B. No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a hangar or an enclosed area.
- C. During all fuel operations, the aircraft shall be bonded by an approved method.
- D. Smoking or lighting of an open flame shall be prohibited within fifty feet of any fueling operation.
- E. Fueling operations shall be conducted and fuel trucks shall be parked at least fifty feet from any hangar or building.
- F. No fuel storage and dispensing equipment shall be installed and used at the airport without the prior written approval of the owner. All such equipment shall be of a modern design and shall be kept in a safe and non-leaking condition. The use of skid tanks and other such devices is prohibited.
- G. Pumps, either hand operated or power operated shall be used where aircraft are fueled from drums. Pouring or gravity flow shall not be permitted from a container with a capacity of more than 5 gallons (18.9L).

SECTION 8

FIRE REGULATIONS

- A. Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty feet of any aircraft and within fifty feet of hangars, fuel trucks, or fuel loading stations, and tank farms. No person shall start an open fire any place on the airport without permission of the airport manager. No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the airport. The storage of paint thinners, fuels, or other such volatile materials in hangars is prohibited.
- B. Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment, and they shall be kept in good condition as recommended by the Fire Marshal and inspected at least every twelve months by trained personnel.
- C. Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles, and unsightly objects. If, after

warning by the airport manager, the area is not cleaned, cleaning will be done by the airport manager and billed to the tenant or person.

SECTION 9

REGULATIONS GOVERNING MINIMUM REQUIREMENTS

FOR ALL FIXED BASE OPERATIONS

- A. All fixed base operations at the airport shall be full-time, progressive business enterprises, with a manned office facility at the airport during all regular business hours. For the purpose of this document, regular business hours are 8:00 a.m. to 5:00 p.m. No fixed base operator shall be allowed to operate on the airport without a fully executed lease agreement with the owner.
- B. Fixed base operators providing sale of aviation petroleum products shall also be required to meet the minimum standards and offer the services listed in section I listed below. Such operators may, at their option, engage in other aeronautical activities by qualifying to meet the associated minimum standards for the aeronautical services involved.
- C. No persons or fixed base operators other than the operators qualifying under section 8.C. will be permitted to sell aviation petroleum products. All other fixed base operators may engage in such other aeronautical services as they may qualify themselves for in accordance with these regulations and their lease agreements.
- D. The owner shall determine substantial conformance to the standards for fixed base operators.
- E. Fixed base operators must show financial solvency and business ability to the satisfaction of the owner and agree to comply with all federal, state, local, and airport laws, rules and regulations.
- F. The minimum liability insurance that a fixed base operator shall carry is \$100,000 per claimant and \$300,000 per occurrence for bodily injury and not less than \$250,000 for property damage. Fixed base operators shall also carry the minimum insurance required by the Federal Aviation Administration and other regulatory agencies as appropriate to the aeronautical activities being

performed. Property owned by operator shall be insured by him and owner has no responsibility for any loss.

- G. Fixed base operators will be required to furnish the owner a performance bond commensurate with the construction required under the minimum standards established by the owner for the facility involved.
- H. Land available for commercial aeronautical activities is a valuable and limited commodity. It is the policy of the owner that no land areas or building space in excess of present and foreseeable requirements will be leased to any fixed base operator. Additional areas will be made available to operators on the basis of need and availability.
- I. Fuel and Oil Sales. Persons conducting aviation fuel and oil sales on the airport shall be required to provide:
- (1) Hard surface ramp space accessible by taxiway with electric pumps and tank storage having a capacity equal to the minimum tank truck load deliverable for 80/87 and 100/130 grade aviation fuel and, if public demand requires, also provide standard jet fuel.
 - (2) Properly trained line personnel on duty at least eight hours of every calendar day, seven days a week, and on call by readily accessible telephone at other hours during the day or night.
 - (3) Proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft window and windshields, and for recharging or energizing discharged aircraft batteries and starters.
 - (4) Conveniently located (air-conditioned) lounge or waiting rooms for passengers, and airplane crews of itinerant aircraft, together with sanitary rest rooms and public telephones.
 - (5) Adequate towing equipment and parking and tie-down area to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.
 - (6) Adequate inventory of generally accepted grades of aviation engine oil and lubricants.

In conducting refueling operations, every operator shall install and use adequate grounding facilities at fueling location to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.

J. **Aircraft Maintenance and Repair.** All persons operating aircraft engine and accessory maintenance facilities shall provide:

- (1) Sufficient hangar space to house any aircraft upon which such service is being performed.
- (2) Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance has been completed.
- (3) Adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts, and testing equipment to perform top overhauls as required for FAA certification and repair of parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft.
- (4) At least one FAA certified airframe and engine mechanic available during eight hours of the day, five days per week.
- (5) Facilities for washing and cleaning aircraft.
- (6) Non-airworthy aircraft shall be screened from public view.
- (7) Separately partitionable space with adequate exhaust fans and fire protection for spray painting if this type of work is performed.

K. **Flight Training.** All persons conducting flight-training activities shall meet all required Federal Aviation Administration regulations and shall provide:

- (1) Properly certified flight instructors for the appropriate level of training.
- (2) Appropriate aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised.
- (3) At least 400 square feet of office, lounge, and restroom area. Operator must provide adequate classroom space for at least ten students with

proper restroom and seating facilities. A part of the required facilities, with the consent of the owner, may be located off airport property.

- (4) Adequate mock-ups, pictures, slides, or other visual aids necessary to provide proper ground school instruction.
- (5) Properly certified ground school instructor providing regularly scheduled ground school instructions sufficient to enable students to pass the FAA written examinations for private pilot and commercial ratings. Operator must maintain the necessary classroom space properly equipped for ground school instruction commensurate with FAR requirements of a certified Pilot School or Provisional Pilot School and shall hold a current and valid Pilot School Certificate or Provisional Pilot School Certificate.
- (6) Continuing ability to meet certification requirements of the FAA for the flight training proposed.
- (7) Adequate public liability and property damage insurance sufficient to protect the operator from legal liabilities involved.

L. Aircraft Charter and Taxi Service. Persons operating aircraft charter and taxi service shall provide:

- (1) Passenger lounge, rest rooms and telephone facilities as required of an operator for fuel and oil sales.
- (2) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, handling of luggage.
- (3) Shall have properly certificated suitable aircraft with properly certificated and qualified operating crew available for services when not otherwise engaged in such service. Such crew and aircraft shall be available upon call within one hour's notice.
- (4) Shall provide passenger liability insurance of at least \$100,000 per passenger seat and property damage liability of at least \$1,000,000.

M. Aircraft Rental and Sales. Persons conducting aircraft rental and sales activity shall provide:

- (1) Suitable office space for consummating sales and/or rentals and the keeping of the proper records in connection thereof.

- (2) Hangar storage space for at least one aircraft to be used for sales or rental.
- (3) For rental, at least one airworthy aircraft suitably maintained and certificated.
- (4) Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the airport for such service and repair.
- (5) There shall be available, at least during eight hours of the working day, a properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft.
- (6) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.
- (7) Current up-to-date specifications and price lists for types and models of new aircraft sold.
- (8) Proper checklists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.

N. Crop Dusting and Spraying. Persons seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Airport Manager that:

- (1) Suitable arrangements have been provided for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored in close proximity to other facility installations at the airport.
- (2) The operator shall have available properly certificated aircraft suitably equipped for the agricultural operation undertaken.
- (3) No crop dusting operation shall be conducted on the principal public use apron or ramp of the airport. Owner shall assign adequate operational space.
- (4) An agreement shall be in place holding the County of Harnett harmless in case of accidental spills and other accidents caused by the operation.

- O. Miscellaneous operations - Operations such as radio and instrument repairs, aerial advertising, aircraft tie-down, and other aeronautical activities not herein before provided for may be conducted by any person, firm or corporation upon application to and approval of the owner. Reasonable terms and conditions for the privilege of engaging in these various services will be established by the owner commensurate with the nature and scope of the activities involved.
- P. Multiple services - Hangar space, office and lounge space, aircraft parking area and other such required facilities will be coterminous or concurrent requirements where an operator offers multiple services to the extent that such facility requirements will be reasonable.
- Q. Minimum standards for hangars, shops or other buildings - Hangars, shops, and other buildings shall be constructed of metal or masonry materials or a combination of the two with an exterior light tan color. Floor areas shall be concrete. Storage hangars shall contain 10 units for aircraft storage. Maintenance shops and corporate hangars shall contain a minimum of 6,400 square feet of floor space. These buildings shall be fireproofed and of metal or masonry construction, properly designed doors at both ends, stressed in accordance with the national building code, floor of properly constructed concrete or asphalt or sufficient designed load strength to sustain all types of aircraft using the facility. A minimum area of 640 square feet of office space, rest rooms, and lounge which may be an adjunct to other buildings, must also be fireproofed and of steel or masonry construction. Larger facilities should allow 10 percent of total square footage for office space, rest rooms, and lounge area.
- R. Aircraft parking aprons shall be constructed according to plans and specifications approved by the owner. Areas of aircraft parking apron may be required for operators selling aviation petroleum products, ramp services and aircraft repair.
- S. All services shall be provided on a fair, equal, and not unjustly discriminatory basis to all users of the airport. The prices charge for each unit of service shall be fair, reasonable, and not unjustly discriminatory; provided, that the operator

may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar type price reductions to volume purchasers.

- T. The operator shall provide his services in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (P.L. 88-352). Accordingly, no person shall be denied equal services on the ground of race, color, or national origin.

SECTION 10

PROCEDURE FOR RECEIVING AND PROCESSING APPLICATIONS FOR COMMERCIAL OPERATIONS

- A. Any applicant wishing to establish an aeronautical activity on the airport shall be furnished a copy of these minimum standards, as amended, and shall make application in writing to the owner, setting forth in detail the following:
- (1) The name and address of the applicant.
 - (2) The proposed land use, facility and/or activity sought.
 - (3) The names and qualifications of the personnel to be involved in conducting such activity.
 - (4) The financial responsibility and technical ability of the applicant and operator to carry out the activity sought.
 - (5) The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.
 - (6) The requested or proposed date for commencement of the activity and the term of conducting the same.
 - (7) The estimated cost of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition of facilities.
- B. Upon the filing of such an application with the owner, it shall be immediately referred to the appropriate committee and considered at the next scheduled meeting. If no meeting is scheduled within thirty (30) days from the filing of such application, a meeting shall be called for considering same and notice thereof given to the applicant. Applications shall be consistent with the intended use of the airport and to promote safe aeronautical activities.

Upon consideration of the application, the owner shall determine whether or not the applicant meets the standards and qualifications as herein established and whether or not such application should be granted in whole or in part.

- C. Upon approval of any such application in principle, the owner shall cause to be prepared a suitable lease or contract agreement setting forth the terms and conditions under which the fixed base operation shall be conducted.
- D. Any rejected application shall be returned to the applicant within ten (10) days of the rejection with a written explanation of the reasons for the rejection.

SECTION 11

SPECIAL AIRPORT USES

- A. The owner obligates itself to operate the airport for the use and benefit of the general public and to keep the airport open to the various types, kinds, and classes of aeronautical use for which the airport facility is designed and intended to serve.
- B. The owner has established these rules to be met by all users so as to provide for the safe and efficient use of the airport and to otherwise protect the safety of persons and property both on the ground and in the air.
- C. It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft whose weights are not in excess of the published pavement strengths may be permitted on an infrequent basis with the permission of the owner.
- D.** No operations involving non-powered aircraft, including glider's, balloons, parachuting and other unusual and special classes of aeronautical activities, will be permitted on the airport without the prior written approval of the owner.
- E. Considering the owner's obligation to keep the airport open to the public for aeronautical purposes, the airport facilities will not be used for non-aeronautical events which would conflict with its aeronautical use.



11-14-2004

My Commission Expires:

[Signature]
Notary Public

I, a Notary Public of the County and State aforesaid, certify that Teddy J. Byrd, personally appeared before me this day who being by me duly sworn, deposes and says that he is Chairman of the Harnett County Board of Commissioners and Kay S. Blanchard is the Clerk of said Board, that the seal affixed to the foregoing instrument is the official seal of Harnett County, that said instrument was signed and sealed by him, attested by the said Clerk and the County's seal affixed thereto, all by authority of the Board of Commissioners of said County, and the said Teddy J. Byrd, acknowledged said instrument to be the act and deed of Harnett County.
Witness my hand and Official Seal on Aug. 16, 2004

HARNETT COUNTY
NORTH CAROLINA

ACKNOWLEDGEMENT

Kay S. Blanchard
Clerk to the Board

[Signature]
Kay S. Blanchard



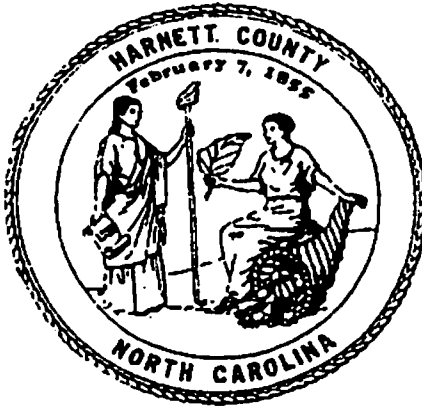
[Signature]
Teddy J. Byrd, Chairman

HARNETT COUNTY BOARD OF COMMISSIONERS

16th August 2004
day of Aug. 2004. Adopted this the 16th day of

This ordinance shall become effective and be in full force from and after the

EFFECTIVE DATE



KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording and/or cancellation.

Filed For Registration: 08/19/2004 08:36:36 AM
Book: RE 1972 Page: 483-506
Document No.: 2004015458
ORDINANCE 24 PGS \$80.00

Recorder: ELMIRA MCLEAN

State of North Carolina, County of Harnett

The foregoing certificate of DEANNA BAREFOOT Notary is certified to be correct. This 19TH of August 2004

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

By: *Elmira McLean*
Deputy/Assistant Register of Deeds



2004015458